

Senate, No. ~~2069~~2070, printed as amended

[Senate, June 4, 2009 - Amended Text of the recommended amendment (Ways and Means) to the House Bill making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4125)]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2009, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts; and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

Committee for Public Counsel Services

0321-1510	\$9,384,188
0321-1520	\$2,075,987

SECRETARY OF THE COMMONWEALTH

Office of the Secretary of the Commonwealth

0521-0000	\$44,684
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17 OFFICE OF THE STATE COMPTROLLER

18 *Office of the State Comptroller*

19 1599-3384\$4,090,226

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21 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

22 *Human Resources Division*

23 1750-0100\$250,000

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25 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

26 *Office of the Secretary of Health and Human Services*

27 4000-0500\$21,419,707

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30 EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

31 *Highway Department*

32 6010-0002\$579,894

33 6030-7201\$4,490,922

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35 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
36 provide for an alteration of purpose for current appropriations; and to meet certain requirements
37 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
38 specifically designated otherwise in this section; for the several purposes and subject to the
39 conditions specified in this section, and subject to the laws regulating the disbursement of public
40 funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts
41 previously appropriated and made available for the purposes of those items.

42 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

~~1599-1031~~ For a reserve to meet ~~the~~ costs identified by the department of public health associated with responding to an outbreak of the H1N1 virus; provided, that funds may be expended on staffing costs within the state laboratory, dissemination of public information, antiviral medication for the treatment or prevention of the H1N1 virus and the purchase of laboratory equipment specific for the testing for the H1N1 virus; provided further, that funds from this item shall not be expended on salaries or contracts for personnel hired by the department of public health on or after April 15, 2009; provided further, that the secretary of health and human services shall submit a spending plan to the executive office for administration and finance and the house and senate ~~committees on ways and means committees~~ before the disbursement of funds from this reserve; and provided further, that the department of public health and the executive office ~~for of~~ health and human services shall seek federal reimbursement for any eligible expenditures from this reserve.....\$2

~~.845,216.1599-1031~~For a reserve to meet costs identified by the department of public health associated with the purchase of laboratory equipment specific for the testing for the H1N1 virus; provided further, that the secretary of health and human services shall submit a spending plan to the executive office for administration and finance before the disbursement of funds from this reserve; and provided further, that the department of public health and the executive office for health and human services shall seek federal reimbursement for any eligible expenditures from this reserve.....\$2,845,216

1599-1701 For a reserve for the state share of costs to certain municipalities and municipal lighting plants as identified by the Federal Emergency

Comment [WW1]: Tisei-Montigny amendment # 11

Comment [WW2]: Chandler amendment # 2

Management Agency for Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester; provided, that not less than \$150,000 shall be expended for an emergency assistance safety grant as appearing in item 7007-0900 of section 2 of chapter 182 of the acts of 2008; and provided further, that not less than \$150,000 shall be expended to the town of Spencer for the reimbursements of costs associated with the drinking water emergency in April 2007\$6,300,000

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SECTION 3. Chapter 7A of the General Laws is hereby amended by striking out section 12, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 12. (a)(1) All reports published under this section shall be filed with the governor, the secretary of administration and finance, the house and senate committees on ways and means and the clerks of the house and senate, and any other parties specified in general or special law.

(2) The comptroller shall prepare an annual statutory basis financial report based on the final closing of the accounting records. The report shall be published annually not later than October 31 ~~of each year~~.

(3) The statutory basis financial report shall present fairly the aggregated financial statements for the budgeted governmental funds and tables of beginning and ending balances, revenues, ~~and~~ sources, ~~and~~ expenditures and uses for the non-budgeted governmental funds; and the capital project governmental funds. These statements shall be reviewed in accordance with professional standards established by the American Institute of Certified Public Accountants. The reports shall be prepared in accordance with the accounting system established by the comptroller under section 7, as cash outflows, including expenditures made ~~in~~ accordance with under section 13 of chapter 29 and cash inflows including

receipts of federal grants and subsidies from other governmental entities for reimbursement of such expenditures.

(4) The comptroller shall include, supplemental to the aggregated financial statements in the statutory basis financial report, a statement of the consolidated net surplus in the budgetary funds for the preceding fiscal year, ~~in accordance with~~ under section 5C of chapter 29 and the amount by which such surplus exceeds the maximum allowable amount ~~in accordance with~~ under section 2H of chapter 29.

(5) Accompanying the statutory basis financial statements, the comptroller shall include financial statements for the budgeted funds that compare the budgeted amounts to final operations for each fund subject to appropriation.

(6) The comptroller may include narratives, statistical tables, and other disclosures and reference material in the statutory basis financial report that ~~the comptroller considers~~ in his professional judgment, ~~appropriate in his professional judgment~~.

(b) The comptroller shall prepare an annual federal funds report based on the final closing of the accounting records which shall be published not later than the second Wednesday in January and shall present fairly all federal funds received by each agency and department during the fiscal year. The report shall include for each program of federal financial participation the opening balances, revenues, and other sources, expenses and other uses, and ending balances for the fiscal year. The final federal funds report shall be audited in conjunction with the state single audit, and the report of the auditor shall be included.

(c) The comptroller shall prepare a comprehensive annual financial report in conformity to ~~generally~~ generally-accepted accounting principles for governments which shall be published not later than the second Wednesday in January. The report shall be audited in accordance with ~~generally~~ generally-accepted auditing standards and ~~generally~~ generally-accepted governmental auditing standards, and the report of the auditor shall be included.

SECTION 4. Chapter 21A of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. The secretary ~~is hereby designated as~~shall be the state natural resource trustee and may compromise or settle any claim for damages for injury ~~to~~ and for destruction or loss of natural resources, including the costs of assessing and evaluating the injury, destruction or loss, incurred or suffered as a result of a release or threat of release, under section 5 of chapter 21E, 42 U.S.C. §9607(f), ~~and~~ 33 U.S.C. §2706, and other applicable law in accordance with this section. If any such claim, including the costs of assessment, is valued at ~~not more~~less than \$100,000, or at a higher amount determined in writing by the attorney general, the secretary may settle and compromise the claim if the secretary has given written notice and all pertinent information regarding the settlement to the attorney general or ~~her~~his designee at least 30 days before execution of the settlement. The secretary may ~~compromise or settle~~ and compromise claims valued at greater than \$100,000, or at a higher amount determined in writing by the attorney general, only with the prior written approval of the attorney general or ~~her~~his designee.

SECTION 5. Section 4 of chapter 29D of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The board of trustees shall consist of 7 trustees, including the secretary of administration and finance or a designee, the executive director of the group insurance commission or a designee, the executive director of the public employee retirement administration commission or a designee, the state treasurer or a designee, the comptroller or a designee and 2 additional trustees, ~~one~~1 of whom shall be appointed by the governor and ~~one~~1 of whom shall be appointed by the state treasurer. The appointed trustees shall serve for terms of 5 years and shall be experienced in the field of investment, financial management, law and public management. Trustees shall be eligible for reappointment.

155 SECTION 6. Section 24 of chapter 32A of the General Laws, ~~as inserted by~~
156 section 8 of chapter 61 of the acts of 2007, is hereby amended by striking out ~~paragraph~~
157 ~~subsection~~ (a) and inserting in place thereof the following ~~paragraph~~subsection:-

158 (a) There shall be established and set up on the books of the commonwealth a
159 fund to be known as the State Retiree Benefits Trust Fund, ~~in this section referred to as~~
160 ~~the fund~~. The Health Care Security Trust board of trustees established by section 4 of
161 chapter 29D shall be the trustee of and shall administer the fund, in accordance with that
162 section. The fund shall be an expendable trust not subject to appropriation.

163 SECTION 7. Said section 24 of said chapter 32A, as so ~~appearing~~inserted, is
164 hereby further amended by ~~inserting after paragraph (e)~~adding the following 3
165 ~~paragraphs~~subsections:-

166 (f) The trustees shall adopt an annual budget for the fund and supplemental
167 budgets that the trustees consider necessary, subject to the approval of the general court.
168 Funding for the budget shall be from the investment return of the fund. If the general
169 court takes no final action to disapprove a budget within 60 days after its filing with the
170 clerk of the house of representatives and the clerk of the senate, the budget shall be
171 considered to be approved. If the general court disapproves a budget within 60 days after
172 it has been filed, the trustees shall operate under the annualized budgetary level most
173 recently approved pending the filing and subsequent approval of any other annual or
174 supplemental budget request.

175 (g) The trustees shall engage actuaries experienced in retiree health care costs
176 to perform annual actuarial calculations in accordance with Government Accounting
177 Standards Board Statements 43 and 45, using data as needed from the group insurance
178 commission, the public employee retirement administration commission, the state
179 treasurer and the comptroller and prepare funding schedules to be filed in accordance
180 with section 25.

181 (h) The trustees shall engage an independent auditor to perform an annual audit of
182 the State Retiree Benefits Trust Fund's assets, liabilities, net assets, investments and
183 operations on an annual basis in accordance with government auditing standards and
184 policies established by the comptroller. The annual audit report shall be made available

to all participating subdivisions, authorities, boards or instrumentalities not later than September 15, ~~annually~~.

SECTION 8. Section 2 of chapter 38 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 6, the words “in Forensic Pathology” and inserting in place thereof, the following words:- with certification in anatomic pathology and subspecialty certification in forensic pathology.

SECTION 9. Said section 2 of said chapter 38, as so appearing, is hereby further amended by striking out, in lines 7 ~~to and~~ 8, the words “, a ~~diplomated~~diplomat of the American Board of Anatomic and Forensic Pathology”.

~~SECTION 10. Section 132 of chapter 58 of the acts of 2006 is hereby amended by striking out the word “thereafter”, in the third sentence, and inserting in place thereof the following words: - ; for 2 years after the effective date of this section, and shall be updated bi-annually.~~

SECTION ~~11~~10. Section 1 of chapter 62 of the General Laws, as so appearing ~~in the 2006 Official Edition~~, is hereby amended by inserting after the ~~numeral figure~~ “72”, in line 8, the following ~~numeral figure~~:- 139C.

SECTION ~~12~~11. Paragraph (1) of subsection (d) of section 2 of said chapter 62, as ~~so appearing~~amended by section 15 of chapter 173 of the acts of 2008, is hereby further amended by adding the following ~~clauses~~subparagraph:-

(P) The deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American Recovery and Reinvestment Act of 2009.

SECTION ~~13~~12. The definition of “gross income” in section 1 of chapter 63 of the General Laws, as ~~so~~ appearing in the 2006 Official Edition, is hereby amended by adding the following ~~sentence~~words:- ; provided, however, that ~~G~~gross income shall be determined without regard to section 108(i) of the Code.

SECTION ~~14~~13. The definition of “net income” in said section 1 of said chapter 63, as so appearing, is hereby amended by adding the following clause:-

(f) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American Recovery and Reinvestment Act of 2009.

SECTION ~~15~~14. Paragraph 3 of section 30 of said chapter 63, as so appearing, is hereby amended by adding the following sentence:- Gross income shall be determined without regard to section 108(i) of the Code.

SECTION ~~16~~15. Paragraph 4 of said section 30 of said chapter 63, as so appearing, is hereby amended by adding the following clause:-

(vii) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American Recovery and Reinvestment Act of 2009.

SECTION ~~17~~16. Section 52A of said chapter 63, as so appearing, is hereby amended by inserting after the word “exclusion”, in lines 27 and 28, the following words:- and without regard to section 108(i) of the Code.

SECTION ~~18~~17. Paragraph (b) of subsection (1) of said section 52A of said chapter 63, as so appearing, is hereby amended by adding the following clause:-

(vi) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1), inserted by section 1232 of the American Recovery and Reinvestment Act of 2009.

SECTION 18. Section 132 of chapter 58 of the acts of 2006 is hereby amended by striking out, in line 11, the word “thereafter” and inserting in place thereof the following words:- for 2 years after the effective date of this section and then bi-annually.

SECTION 19. Chapter 139 of the acts of 2006 is hereby amended by striking out section 96 and inserting in place thereof the following section:-

Section 96. Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2007.

SECTION 20. Chapter 61 of the acts of 2007 is hereby amended by striking out section 49 and inserting in place thereof the following section:-

Section 49. Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2008.

SECTION 21. Item 7004-00032 of section 2 of chapter 119 of the acts of 2008 is hereby amended by striking out the following words:- “and provided further, that not less than \$10,000,000 shall be expended ~~to stabilize and promote reinvestment, through homeownership, in areas the department has determined to be weak markets as indicated by a high concentration of assisted rental housing or a low rate of homeownership or low median family income or low average sales prices or high levels of unpaid property taxes or vacant or abandoned buildings and, after making the finding, the department may waive the requirements of this section and said chapter 121F which are found to be inconsistent with promoting homeownership in weak markets and take other steps necessary to promote homeownership in the weak market including, but not limited to, reducing the length of required affordability to not less than 10 years and permitting the funded property to be purchased by a household whose income at the time of purchase does not exceed 135 per cent of the area median income, adjusted for family size, or both~~” and inserting in place thereof the following words:- ~~and provided further, that not less than \$14,000,000 shall be expended to develop affordable housing units which are deemed necessary by the department of housing and community development as part of a redevelopment plan, and to stabilize and promote reinvestment, through homeownership, in areas the department has determined to be weak markets as indicated by a high concentration of assisted rental housing or a low rate of homeownership or low median family income or low average sales prices or high levels of unpaid property taxes or vacant or abandoned buildings and, after making the finding, the department may waive the requirements of this section and said chapter 121F which are found to be inconsistent with promoting homeownership in weak markets and take other steps necessary to promote homeownership in the weak market including, but not limited to, reducing the length of required affordability to not less than 10 years and permitting the funded~~

property to be purchased by a household whose income at the time of purchase does not exceed 135 per cent of the area median income, adjusted for family size, or both

SECTION 22. Section 12 of chapter 135 of the acts of 2008 is hereby repealed.

SECTION 23. Item 0610-2000 of section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the words”; and provided further, that funds available in fiscal year 2008 shall be available for expenditure until June 30, 2009”.

SECTION 24. ~~Item 2800-0500 of~~ Said section 2 of said chapter 182 ~~of the acts of 2008~~ is hereby further amended by striking out the item number “2800-0500” and inserting in place thereof the following item number:- 2800-0501.

SECTION 25. ~~Item 2810-2040 of~~ Said section 2 of said chapter 182 ~~of the acts of 2008~~ is hereby further amended by striking out the item number “2810-2040” and inserting in place thereof the following item number:- 2810-2041.

SECTION 26. Item 4000-0320 of said section 2 of said chapter 182 ~~of the acts of 2008~~ is hereby amended ~~by inserting after the words "rendered in the current fiscal year" adding~~ the following words:- ; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses; and the comptroller may certify for payment; amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.

SECTION 27. ~~Item 4401-1100 of~~ Said section 2 of said chapter 182 ~~of the acts of 2008~~ is hereby further amended by striking out the item number “4401-1100” and inserting in place thereof the following item number:- 4401-1101.

SECTION 28. Item 7035-0002 of said section 2 of said chapter 182 ~~of the acts of 2008~~ is hereby amended by striking out the words “; provided further, that funds shall only be expended in the CC, HH, PP, and UU object classes;”.

SECTION 29. Item 8000-0202 of said section 2 of said chapter 182 ~~of the acts of 2008~~ is hereby amended by striking out the words “; that no funds shall be expended in the AA object class; and provided further”.

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298 SECTION 30. Said chapter 182 is hereby further amended by striking out section
299 81 and inserting in place thereof the following section:-

300 Section 81. Notwithstanding any general or special law to the contrary, the
301 formula for application of funds provided in section 35J of chapter 10 of the General
302 Laws shall not apply in fiscal year 2009.

303 SECTION 31. Section 86 of said chapter 182 is hereby amended by striking out
304 the figure “\$372,000,000” and inserting in place thereof the following figure:-
305 \$352,000,000.

306 SECTION ~~3032~~. Subsection (b) of section 88 of said chapter 182 is hereby
307 amended by striking out the second sentence and inserting in place thereof the following
308 sentence:- Not less than \$1,102,561,456 shall be transferred from the General Fund to
309 the Commonwealth Care Trust Fund and not less than \$47,996,382 shall be transferred
310 from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund.

311 SECTION 31. Section 86 of said chapter 182 is hereby amended by striking out
312 the figure “\$372,000,000” and inserting in place thereof the following figure:-
313 \$352,000,000.

314 ~~SECTION 32. Said chapter 182 of the acts of 2008 is hereby amended by striking~~
315 ~~out section 81 and inserting in place thereof the following section:-~~

316 ~~Section 81. Notwithstanding any general or special law to the contrary, the~~
317 ~~formula for application of funds provided in section 35J of chapter 10 of the General~~
318 ~~Laws shall not apply in fiscal year 2009.~~

319 SECTION 33. Section 2C of chapter 302 of the acts of 2008 is hereby amended
320 by striking out the item number “7010-0016” and inserting in place thereof the following
321 item number:- 7010-0216.

322 SECTION 34. Section 61 of said chapter 302 of the acts of 2008 is hereby
323 repealed.

324 SECTION ~~3335~~. ~~Item 6033-0817 of s~~Section 2A of ~~said~~ chapter 303 of the acts
325 of 2008 is hereby amended by striking out the item number “6033-0817” and inserting in
326 place thereof the following item number:- 6035-0817.

SECTION ~~34~~36. ~~Item 6033-0837 of s~~Said section 2A of said chapter 303 ~~of the acts of 2008~~ is hereby further amended by striking out the item number “6033-0837” and inserting in place thereof the following item number:- 6035-0837.

SECTION ~~35~~37. ~~Item 6033-0867 of s~~Section 2B of said chapter 303 ~~of the acts of 2008~~ is hereby amended by striking out the item number “6033-0867” and inserting in place thereof the following item number:- 6035-0867.

SECTION ~~36~~38. ~~Item 6033-0877 of s~~Said section 2B of said chapter 303 ~~of the acts of 2008~~ is hereby amended by striking out the item number “6033-0877” and inserting in place thereof the following item number:- 6035-0877.

SECTION ~~37~~39. ~~Item 6033-0887 of s~~Said section 2B of said chapter 303 ~~of the acts of 2008~~ is hereby amended by striking out the item number “6033-0887” and inserting in place thereof the following item number:- 6035-0887.

~~SECTION 38. Item 7010-0016 of section 2C of said chapter 302 of the acts of 2008 is hereby amended by striking out the item number “7010-0016” and inserting in place thereof the following item number:— 7010-0216.~~

~~SECTION 39. Section 61 of chapter 302 of the acts of 2008 is hereby repealed.~~

SECTION 40. ~~Item 6001-0801 of s~~Section 2C of said chapter 303 ~~of the acts of 2008~~ is hereby amended by striking out the item number “6001-0801” and inserting in place thereof the following item number:- 6001-0881.

SECTION 41. ~~Item 6001-0802 of s~~Said section 2C of said chapter 303 ~~of the acts of 2008~~ is hereby further amended by striking out the item number “6001-0802” and inserting in place thereof the following item number:- 6001-0882.

SECTION 42. ~~Item 6001-0804 of s~~Said section 2C of said chapter 303 ~~of the acts of 2008~~ is hereby further amended by striking out the item number “6001-0804” and inserting in place thereof the following item number:- 6001-0884.

SECTION 43. ~~Item 6001-0805 of s~~Said section 2C of said chapter 303 ~~of the acts of 2008~~ is hereby further amended by striking out the item number “6001-0805” and inserting in place thereof the following item number:- 6001-0885.

SECTION 44. ~~Item 6001-0813 of s~~Section 2E of said chapter 303 ~~of the acts of 2008~~ is hereby amended by striking out the item number “6001-0813” and inserting in place thereof the following item number:- 6001-0820.

SECTION 45. ~~Item 0640-0300 of s~~Section 2C of chapter 304 of the acts of 2008 is hereby amended by striking out the item number “0640-0300” and inserting in place thereof the following item number:- 0640-0301.

SECTION 46. ~~Item 0330-9999 of s~~Section 2D of said chapter 304 ~~of the acts of 2008~~ is hereby amended by striking out the item number “0330-9999” and inserting in place thereof the following item number:- 0330-9997.

SECTION 47. ~~Item 0526-2010 of s~~Section 2A of chapter 312 of the acts of 2008 is hereby amended by striking out the item number “0526-2010” and inserting in place thereof the following item number:- 0526-2012.

SECTION 48. Subsection (b) of section 7 of chapter 377 of the acts of 2008 is hereby amended by striking out the word "middlesex" and inserting in place thereof the following word:- middle.

SECTION 49. Section 13 of chapter 5 of the acts of 2009 is hereby amended by striking out the words “chapter 188” and inserting in place thereof the following words:- section 88 of said chapter 182.

SECTION 50. Notwithstanding any general or special law to the contrary, for fiscal years 2009 and 2010, net recoveries generated by ~~any~~ contract entered into by the comptroller under section 29E ~~of~~ chapter 29 of the General Laws for accounts receivable cost recovery services shall be deposited as unrestricted revenue in the General Fund; ~~provided, however, that~~ ~~but~~ federal funds shall be returned to the federal government; and any amounts to be financed through the sale of bonds shall be used to reduce the amount financed.

SECTION 51. ~~Notwithstanding federal income tax treatment to the contrary, f~~For purposes of chapters 62 and 63 of the General Laws, the rules of section 382 of the Internal Revenue Code shall be applied without regard to the treatment of a change in ownership of a bank or other corporation provided in Internal Revenue Service Notice

2008-83 or in any federal statutory or administrative codification, supplement or implementation of such Notice. For purposes of said chapters 62 and 63, Internal Revenue Service Notice 2008-83 and any such codification, supplement or implementation shall have no force or effect in any taxable year.

SECTION 52. ~~Notwithstanding federal income tax treatment to the contrary, f~~For purposes of chapters 62 and 63 of the General Laws, section 382(n) of the Internal Revenue Code, inserted by the American Recovery and Reinvestment Act of 2009, shall have no force or effect in any taxable year.

SECTION 53. Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the secretary of administration and finance, transfer not more than \$2,681,250 from the General Fund to the Department of Energy Resources Credit Trust Fund, established ~~in~~by subsection (b) of section 13 of chapter 25A of the General Laws.

SECTION 54. Notwithstanding any general or special law to the contrary, the comptroller shall reduce the ~~chapter 70 portion of the~~ final local aid payment under chapter 70 of the General Laws for fiscal year 2009 to be made in June 2009 by \$412,000,000 if the secretary of administration and finance certifies in writing to the comptroller, and has provided 10 days written notice to the house and senate committees on ways and means, that federal grant funds in the amount of \$412,000,000 have been obligated or expended so that all school districts will receive the full amount appropriated in section 3 of chapter 182 of the acts of 2008.

SECTION 55. Notwithstanding subsection (c) of section 10 of chapter 152 of the acts of 1997, not later than June 30, 2009, \$65,000,000 of the balance in the Convention Center Fund, which the state treasurer and the secretary of administration and finance have determined to exceed the amount necessary to satisfy the requirement of sufficiency under said subsection (c) of said section 10 of said chapter 152, shall be transferred to the General Fund, ~~of the commonwealth, not later than June 30, 2009.~~

SECTION 56. Notwithstanding any general or special law to the contrary, federal grant funds in ~~account numbers~~items 7061-0004 and 7061-0005 distributed to school districts in fiscal years 2009 and 2010 through the State Fiscal Stabilization Fund under Title XIV of

the American Reinvestment and Recovery Act of 2009 shall not be subject to indirect charges under section 32A of chapter 35 of the General Laws and section 5D of chapter 40 of the General Laws. Subsection (f) of section 6B of chapter 29 of the General Laws shall not apply to these funds. School districts shall continue to provide for and make contributions to appropriate pension funds, as required by paragraph (c) of subdivision (7) of section 22 of chapter 32 of the General Laws, for employees whose salaries are paid from these federal funds; in the same manner as contributions are made when receiving state education aid under chapter 70 of the ~~general~~ General laws ~~Laws~~.

SECTION 56A7. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall pursue opportunities for the sponsorship or naming of state assets and facilities for compensation that the secretary deems appropriate unless otherwise prohibited by law. To this end the secretary shall issue request for proposals not later than September 1, 2009, and as often as the secretary deems necessary thereafter. Not later than January 1, 2010, the secretary shall file reports with the house and senate committees on ways and means detailing proceeds generated through sponsorships or naming rights and the details of any contracts entered into for such purposes.

SECTION 587. Section ~~44-10~~ shall be effective for taxable years ending on or after January 1, 2009.

SECTION 598. Sections ~~42-11~~, ~~44-13~~, ~~46-15~~ and ~~48-17~~ shall apply to obligations issued after August 31, 2008 in taxable years ending after that date.

SECTION ~~60-59~~. Sections ~~43-12~~, ~~45-14~~ and ~~47-16~~ shall be effective for discharges in taxable years ending after December 31, 2008.

SECTION 619. Section 49 shall take effect as of March 19, 2009.

~~SECTION ---. Notwithstanding any general or special law to the contrary, the Secretary of Administration and Finance shall pursue any and all opportunities for the sponsorship or naming of state assets and facilities for compensation that the Secretary deems appropriate and that is not otherwise prohibited by law. To this end the Secretary shall issue request for proposals not later than September 1, 2009 and as often as the~~

Comment [WW3]: Tisei-Montigny amendment
10

Comment [WW4]: Tisei-Montigny amendment
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443 Secretary deems necessary thereafter. Not later than January 1, 2010 the Secretary shall
444 file reports with the House Committees on Ways and Means and the Senate Committee
445 on Ways and Means detailing proceeds generated through sponsorships or naming rights
446 and the details of any contracts entered into for such purposes